

**CHAPTER 363**  
**VETERANS RIGHTS AND BENEFITS**

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## Cross References

Exemptions from registration fees for certain vehicles; disabled veterans, see §249-31.5.

Interstate compact on educational opportunity for military children, see chapter 311D.

Parking for persons with disabilities, see §§291-51 to 291-56.

Prisoner of war and missing in action designations, see §121-10.5.

Special number plates; military service, see §249-9.2.

Veteran status notation on driver's license and civil identification card, see §§286-109, 286-111, and 286-303.

## Case Notes

Chapter does not create a statutory duty of care on the part of veterans' services counselors. 83 H. 154, 925 P.2d 324 (1996).

" **§363-1 Definitions.** Unless the context clearly requires a different meaning, when used in this chapter:

"Dependent" of a veteran means any person who received from a veteran the person's principal support prior to entry or following entry of the veteran into any of the armed services or following the veteran's discharge from any of the armed services. It includes a dependent of a person currently serving in the service and a former dependent of a discharged or deceased veteran and of a person who has died in such service. It shall not include a dependent of a person discharged under other than honorable conditions.

"Director" means the director of the office of veterans' services.

"Family" of a veteran means members of the immediate family of the veteran, or of a person currently serving in any of the armed services, or of a person who has died in the service, or of a deceased veteran.

"Office" means the office of veterans' services as constituted under this chapter.

"Veteran" means any person who has served in any of the armed services of the United States, or any person who is now a citizen of the United States who has served in any of the armed services of any country which was an ally of the United States in any war or campaign in which the United States was also engaged. [L 1951, c 75, §2; am L 1953, c 116, §1; RL 1955, §349-1; am L Sp 1959 2d, c 1, §20; HRS §363-1; am L 1970, c 105, §5; am L 1981, c 223, §1; am L 1982, c 177, §1; gen ch 1985; am L 1987, c 339, §4; am L 1988, c 115, §3]

" **§363-2 Office of veterans' services; director.** (a) The office of veterans' services shall be responsible for the conduct or supervision of all activities provided for by this chapter and for the formulation and adoption of all policies and rules for the administration of this chapter and is established in the department of defense for administrative purposes.

(b) The head of the office shall be known as the director of the office of veterans' services. The director shall be nominated and appointed by the governor without regard to chapters 76 and 89. Effective July 1, 2005, the director shall be paid a salary set by the appointing authority that shall not exceed sixty-nine per cent of the salary of the director of human resources development. The director shall be included in any benefit program generally applicable to the officers and employees of the State.

(c) The director shall have the following principal functions, duties, and powers:

- (1) Serve as the principal official in state government responsible for the performance, development, and control of programs, policies, and activities under this chapter;
- (2) Oversee, supervise, and direct the performance by the director's subordinates of activities in such areas as planning, evaluation, and coordination of veterans programs and development of a statewide service delivery network;
- (3) Assess the policies and practices of other agencies with respect to delivery of services and benefits to veterans;
- (4) Administer funds allocated for the office, and apply for, receive, and disburse grants and donations from all sources for veterans programs and services provided under this chapter;
- (5) Establish a clearinghouse for complaints of persons regarding services to veterans, or operations of state and county agencies affecting veterans, investigate such complaints, and refer the complaints and the director's findings to the appropriate agency for corrective action;
- (6) Adopt, amend, and repeal rules pursuant to chapter 91 for the purposes of this chapter;
- (7) Employ and retain such staff as may be necessary for the purposes of this chapter, in conformance with chapters 76, 89, and the appropriate collective bargaining agreements, executive orders, executive directives, or rules, except for the position of

coordinator and executive secretary to the director, who shall be hired without regard to chapters 76 and 89;

- (8) Contract for or grant such services as may be necessary for the purposes of this chapter, including a master contract with other state agencies receiving federal and state funds for programs and services for veterans, and purchase of service agreements with appropriate agencies;
- (9) Oversee the development, establishment, and operation of a state veterans cemetery on Oahu; develop and administer the policies and procedures of the state veterans cemetery in accordance with the United States Department of Veterans Affairs and existing state guidelines; oversee the maintenance of state veterans cemeteries on all islands; and
- (10) Act on behalf of deceased veterans found to be indigent at the time of death and without surviving immediate family members to ensure burial or cremation services are provided and that the veteran's remains are buried or inurned in a state veterans cemetery. [L 1951, c 75, §4; RL 1955, §349-4; am L Sp 1959 2d, c 1, §20; HRS §363-2; am L 1970, c 105, §5; am L 1987, c 339, §4; am L 1988, c 115, §4; am L 1990, c 140, §6; am L 2002, c 148, §40; am L 2005, c 226, §11; am L 2010, c 27, §1]

### **Cross References**

Rulemaking, see chapter 91.

" **§363-3 Activities of the office.** Except as otherwise provided by law, the office shall:

- (1) Maintain or cause to be maintained, subject to the control and supervision of the office, a center to which veterans, including their families and dependents, may come for information, counsel, aid, and assistance, and by which they may be directed or referred to any agency in the community whose function it is, by law or otherwise, to provide the services, assistance, or benefits which in each instance appear necessary or appropriate. Agencies to which any referrals may be made shall include, but are not limited to, departments and divisions of the federal and state governments, veterans' organizations, and so-called "private" social agencies;

- (2) Assume the initiative, in cooperation with agencies in the community, for coordinating all services now available, and which hereafter may become available, for the use and benefit of veterans, including their families and dependents, to the end that maximum effectiveness of the services may be realized, and overlapping and duplication of effort as between agencies may be minimized;
- (3) Assemble, analyze, compile, and disseminate factual, up-to-date information with respect to:
  - (A) Benefits, rights, and services of whatever nature to which veterans, including their families and dependents, are entitled, or which may be available to them; and
  - (B) The structure, functions, area of service, and other pertinent information regarding each agency and organization participating in the veterans' assistance program in the State;
- (4) Cooperate with federal departments and other agencies which, by law, have responsibility for the administration of rights and benefits granted by the federal government to veterans, including their families and dependents;
- (5) As soon as possible after the close of each fiscal year, compile and submit to the governor, for such use or distribution as the governor may deem appropriate, a comprehensive report of the activities and operations of the office, and of all disbursements and expenditures authorized by the office under this section; and
- (6) Inspect every three years all state war memorials and veterans' cemeteries for repair and maintenance deficiencies, and report all repair and maintenance problems at these memorials and cemeteries to the adjutant general, the comptroller, and the legislature prior to the start of the next regular session. [L 1951, c 75, §6; RL 1955, §349-6; am L Sp 1959 2d, c 1, §20; HRS §363-3; am L 1970, c 105, §5; gen ch 1985; am L 1987, c 339, §4; am L 1988, c 115, §5; am L 1995, c 63, §2; am L 1997, c 360, §1]

" **§363-3.5 Advisory board on veterans' services; appointment; duties.** (a) There shall be a policy advisory board on veterans' services within the office of veterans' services. The board shall consist of nine members appointed by the governor as provided in section 26-34. Five members shall be veterans, and there shall be at least one member residing in

each of the counties of Maui and Kauai. The county of Hawaii shall be represented by two members, one member shall reside in east Hawaii and one member shall reside in west Hawaii. Four members shall reside in the city and county of Honolulu. At least three members shall be women. The director of health, the director of human services, the director of labor and industrial relations, and the adjutant general shall serve as ex officio[, ] nonvoting members. The director for the office of veterans' services shall serve as an ex officio[, ] voting member. The chairperson of the board shall be elected by the majority of the board. The members shall serve without compensation but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

(b) The advisory board shall advise the director in, but not limited to, the following areas:

- (1) The identification of issues and alternative approaches to solutions;
- (2) The development of position statements and papers;
- (3) Advocacy and legislative actions; and
- (4) Program development and operations. [L 1988, c 115, §7; am L 2007, c 12, §2; am L 2009, c 71, §1]

" **§363-4 Establishment of cemeteries on Hawaii, Kauai, Maui, Molokai, and Lanai.** The department of land and natural resources shall set aside, or acquire by exchange, purchase, or condemnation, in the manner provided by law, land suitable for the establishing of veterans cemeteries on the islands of Hawaii, Maui, Kauai, Molokai, and Lanai. [L 1947, c 214, §1; RL 1955, §348-1; am L Sp 1959 2d, c 1, §21; am L 1961, c 132, §2; HRS §363-4; am L 1978, c 58, §1; am L 1997, c 23, §1]

" **§363-5 Councils' responsibility; burial of service members, veterans, and dependents; office of veterans' services approval.** (a) The councils of the counties of Hawaii, Kauai, and Maui shall each provide for the establishment of the veterans cemetery or cemeteries to be located within their respective counties, which includes grading, filling, leveling, platting, paving of roadways and walks, installation of curbs, building of fences, planting of grass, trees and shrubs, erection of memorial buildings and monuments, and building of other necessary or convenient structures, and shall make provisions for the maintenance and upkeep of the cemetery or cemeteries. The councils shall each provide for the interment of the remains, of:

- (1) Service members who died while in the armed forces of the United States;

- (2) Eligible veterans who entered military service after September 7, 1980, as an enlisted person, or after October 16, 1980, as an officer, and served a minimum of twenty-four continuous months or the full period for which the person was called to active duty, as in the case of a reservist;
- (3) Eligible veterans who were discharged under conditions other than dishonorable of the armed forces of the United States with either peacetime or wartime service; and
- (4) The wife, husband, minor children, or unmarried disabled adult children, who predecease a service member or veteran who would be entitled to interment, in any state veterans cemetery.

The cost of transportation of the remains to the county of interment shall be borne by the family or estate of the deceased.

(b) The determination of eligibility for burial within any state veterans cemetery shall be in accordance with current Veterans Affairs and National Cemeteries Administration Regulations.

(c) Prior to any county action that may:

- (1) Have an adverse financial impact upon the State's fiscal obligation to establish and maintain veterans cemeteries; or
- (2) Impair or conflict with federal requirements that are a prescribed condition for the allocation of federal funds,

the county shall obtain approval of the action from the office of veterans' services. In the event of any disagreement between any county and the office of veterans' services over whether this subsection applies, the decision of the office of veterans' services shall control. [L 1947, c 214, §2; RL 1955, §348-2; am L 1957, c 131, §1; HRS §363-5; am L 1972, c 94, §1; am L 2012, c 307, §§1, 4; am L 2013, c 41, §1; am L 2014, c 197, §1]

" **§363-6 REPEALED.** L 1971, c 6, §1.

" **§363-7 REPEALED.** L 2012, c 307, §2.

" **§§363-8 to 363-10 REPEALED.** L 1982, c 177, §§2 to 4.

" **§363-11 Special housing for disabled veterans.** The office shall develop rules to specify the amount to be provided a veteran for the purpose of bearing the cost not borne by the federal government for a specially designed home for disabled veterans. The veteran must have been a bona fide resident of

the State before entering active service with the armed forces and must qualify for a federal grant under the Veterans Administration's Specially Adapted Housing program. In no event shall the State pay a qualified veteran a share greater than the federal government toward the purchase or remodeling of such home.

The moneys provided shall be expended only on vouchers drawn by the comptroller based on application therefor approved by the office in accordance with this section, to the extent permitted by the applicable appropriation. [L 1949, c 225, §§1, 2; am L 1953, c 106, §4; am L 1955, c 228, §1; RL 1955, §348-7; am L 1957, c 152, §1; am L Sp 1959 2d, c 1, §20; HRS §363-11; am L 1970, c 105, §5; am L 1981, c 223, §2; am L 1987, c 339, §4; am L 1988, c 115, §6]

" **[§363-12] Disbursement of World War II Filipino-American veterans burial grant funds.** (a) The office of veterans' services, at the request of a deceased World War II Filipino-American veteran's survivor or an interested party, shall make payment, under the veterans burial grant program, directly to a licensed provider of mortuary or crematory services in the State for the cost of:

- (1) Providing funeral and burial services for a deceased World War II Filipino-American veteran; and
- (2) Transporting the remains of a deceased World War II Filipino-American veteran to the Philippines.

(b) The maximum amount that may be disbursed on behalf of a deceased World War II Filipino-American veteran under this section is \$2,500.

(c) The office of veterans' services shall not expend more than the amount appropriated for the fiscal year to provide burial grants for deceased World War II Filipino-American veterans.

(d) The office of veterans' services shall establish specific eligibility criteria, application and appeal procedures, service choices, and invoicing arrangements. Eligibility shall include the requirement that a World War II Filipino-American veteran was, at the time of death, a resident of the State, as evidenced by valid documentation of state residence, a State of Hawaii driver's license, or a State of Hawaii identification card.

(e) Payment shall be made by the office of veterans' services upon the submission of a contract for services on behalf of the deceased World War II Filipino-American veteran and an itemized unpaid invoice to the office.

(f) For the purposes of this section, "World War II Filipino-American veteran" means any Filipino-American veteran,



who is now a citizen of the United States, who served honorably in an active duty status in any of the armed services of the United States between September 1, 1939, and December 31, 1946. [L 2003, c 101, §2]

" **[\$363-13] Disbursement of World War II Filipino veterans burial grant funds.** (a) At the request of a deceased World War II Filipino veteran's survivor or an interested party, the office shall receive, review, and, as appropriate, approve requests for payments to:

- (1) Provide funeral and burial services for a World War II Filipino veteran who died after June 30, 1994; and
- (2) Transport the remains of that World War II Filipino veteran to the Philippines.

(b) The office shall establish the amount of burial grant funds that may be disbursed on behalf of a World War II Filipino veteran; provided that the amount shall not exceed \$2,000 per person.

(c) The office shall not expend more than the amount appropriated for the fiscal year to provide burial grants for deceased World War II Filipino veterans.

(d) Specific eligibility criteria, application and appeal procedures, service choices, and invoicing arrangements shall be established by the office.

(e) Payment shall be authorized by the office upon the submission of an itemized unpaid invoice reflecting services that have been satisfactorily performed on behalf of a deceased World War II Filipino veteran.

(f) As used in this section, "World War II Filipino veteran" means a Filipino veteran who enlisted in World War II between October 6, 1945, and June 30, 1947, and who, at the time of the veteran's death, was a United States citizen and a resident of the State of Hawaii. [L 2007, c 100, §2]